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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 MICHAEL TERRELL BEALE,

15 Defendant.

Case No. 2:17-cr-050-JAD-CWH

**STIPULATION TO CONTINUE**  
**DEADLINE TO SUBMIT**  
**OBJECTIONS TO REPORT &**  
**RECOMMENDATION**  
(First Request)

16  
17 IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre,  
18 Acting United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney,  
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,  
20 and Raquel Lazo, Assistant Federal Public Defender, counsel for Michael Terrell Beale, that  
21 the deadline to submit objections to the Report and Recommendation currently scheduled for  
22 January 12, 2018, be vacated and continued January 19, 2018.

23 This Stipulation is entered into for the following reasons:

24 1. Defense counsel is out of the jurisdiction until January 8, 2018. Additional time  
25 is needed to review the Report & Recommendation with Mr. Beale and determine whether any  
26 objections will be filed.

1           2.       The defendant is incarcerated and does not object to the continuance.  
2           3.       The parties agree to the continuance.  
3           4.       The additional time requested herein is not sought for purposes of delay, but  
4 merely to allow Mr. Beale time to file any necessary objections to the Report &  
5 Recommendation, taking into account due diligence.  
6           5.       Additionally, denial of this request for continuance could result in miscarriage  
7 of justice.

8           This is the first request to continue objections filed herein.

9           DATED this 4<sup>th</sup> day of January, 2018.

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11       RENE L. VALLADARES  
12       Federal Public Defender

11       STEVEN W. MYHRE  
12       Acting United States Attorney

13       /s/ Raquel Lazo  
14       By \_\_\_\_\_  
15       RAQUEL LAZO  
16       Assistant Federal Public Defender

13       /s/ Phillip N. Smith, Jr.  
14       By \_\_\_\_\_  
15       PHILLIP N. SMITH, JR.  
16       Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 MICHAEL TERRELL BEALE,

7 Defendant.

Case No. 2:17-cr-050-JAD-CWH

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

9  
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
12 Court finds that:

13 1. Defense counsel is out of the jurisdiction until January 8, 2018. Additional time  
14 is needed to review the Report & Recommendation with Mr. Beale and determine whether any  
15 objections will be filed.

16 2. The defendant is incarcerated and does not object to the continuance.

17 3. The parties agree to the continuance.

18 4. The additional time requested herein is not sought for purposes of delay, but  
19 merely to allow Mr. Beale time to file any necessary objections to the Report &  
20 Recommendation, taking into account due diligence.

21 5. Additionally, denial of this request for continuance could result in miscarriage  
22 of justice.

**ORDER**

IT IS THEREFORE ORDERED that the deadline to file objections to the Report and Recommendation scheduled for January 12, 2018, be vacated and continued to January 19, 2018.

DATED this 11th day of January, 2018.

  
UNITED STATES DISTRICT JUDGE